



Office of the Chairman

National Transportation Safety Board

Washington, DC 20594

November 5, 2013

ACCEPTED/FILED

The Honorable Tom Wheeler
 Chairman
 Federal Communications Commission
 445 12th St. SW
 Washington, DC 20554

NOV 19 2013

Federal Communications Commission
 Office of the Secretary

Dear Chairman Wheeler:

The National Transportation Safety Board (NTSB) has reviewed the Federal Communication Commission's (FCC) scoping document, *Program Comment for Planned Construction of Positive Train Control Facilities Within the Railroad Bed*, dated September 27, 2013 (Wireless Telecommunications Docket No. 13-240). The proposed program comment, to be developed pursuant to Section 800.14(e) of the rules of the Advisory Council on Historic Preservation (ACHP), Title 36 *Code of Federal Regulations* Part 800, is intended to facilitate the review process under Section 106 of the National Historic Preservation Act, title 16 *United States Code* §470f, for the infrastructure required for Positive Train Control (PTC).

In the scoping document, the FCC seeks the cooperation of state historic preservation officers, the historic preservation community, and other stakeholders to develop the program comment on an expedited basis, and has established mid-December 2013, as the target date for submitting the draft program comment to the ACHP for approval. Additionally, the scoping document outlines plans for conducting early, focused reviews in limited geographical areas to help determine the extent to which PTC installations have the potential to cause adverse effects, and plans for meeting with tribal nations in October and November 2013, to discuss each other's perspectives on the review process. Finally, the scoping document suggests several means by which the Section 106 process might be tailored to improve efficiencies and thereby facilitate the siting and implementation of PTC antennas and related infrastructure in time for the December 31, 2015, deadline established by Congress for PTC implementation.

We are pleased that the FCC has initiated efforts to gain support to facilitate the historic preservation review process for constructing the PTC infrastructure, and urge you to move forward as quickly as possible. The NTSB first addressed the need to require a form of automatic train control on railroads in 1970. Since that time, we have investigated more than 118 accidents, which, collectively, have resulted in 269 fatalities and more than 4,950 injuries—accidents, deaths, and injuries that could have been preventable with PTC (see attached summary).

As a result of our investigations, we included PTC on our Most Wanted List every year from the list's inception in 1990, until the enactment of the Rail Safety Improvement Act of 2008 (Public Law 110-432). In 2012, after it appeared that PTC implementation plans were stalling, we reinstated PTC to our Most Wanted List. Unfortunately, we continue to investigate railroad accidents that could have been prevented had a PTC system been implemented.

In February 2013, the NTSB held a forum, *Positive Train Control: Is It On Track?* in order to bring together a wide range of experts to examine the technological, regulatory, and operational status of PTC. Many of the challenges to the full implementation of PTC were discussed—including cost, standardization of technologies, and availability of communications spectrum. We appreciate the testimony of FCC staff at the forum, which helped illuminate these issues. The siting of PTC antennas remains a critical hurdle in addressing some of the implementation challenges.

The NTSB remains concerned that more fatalities, injuries, and community evacuations due to hazardous materials releases are likely until PTC is implemented. We are hopeful that the FCC's proposed actions will facilitate the timely approval and installation of the thousands of antennas required to implement PTC, and thereby save lives, prevent injuries, and protect the land and structures adjacent to railroad right-of-ways, and we support your efforts to expedite the process.

Sincerely,



Deborah A.P. Hersman
Chairman

Accidents Investigated by the National Transportation Safety Board That Could Have Been Preventable with Positive Train Control

Date of Accident	Location	Railroad(s)	Injuries	Fatalities	Property Damage ¹
8/20/1969	Darien, CT	Penn Central	43	4	
3/12/1972	Herndon, PA	Penn Central	0	4	
5/24/1972	Maquon, IL	Burlington Northern	0	4	
10/30/1972	Chicago, IL	Illinois Central Gulf	332	45	
11/10/1972	Moylan, PA	Penn Central	7	0	
1/19/1973	Port Jefferson, NY	Long Island RR	3	0	
2/21/1973	Taft, LA	Texas & Pacific	2	3	
3/9/1973	Newburg Jct, NY	Erie Lackawanna	4	0	
3/14/1973	Cheverly, MD	Penn Central	11	0	
5/25/1973	New York, NY	Long Island RR	0	0	
6/8/1973	Mount Vernon, NY	Penn Central	144	1	
6/25/1973	Indio, CA	Southern Pacific	0	2	
12/1/1973	Cotulla, TX	Missouri Pacific	0	3	
5/8/1974	Cleveland, OH	Penn Central	0	2	
9/1/1974	Mustang, OK	St. Louis-San Francisco	3	1	
1/2/1975	Botanical Gardens, NY	Penn Central	265	0	
5/30/1975	Meeker, LA	Texas & Pacific	0	3	
6/6/1975	Leetonia, OH	Penn Central	7	1	\$1,250,000
7/5/1975	Hurricane, AK	Alaska RR	62	1	\$558,000
10/17/1975	Wilmington, DE	Penn Central	25	0	\$817,866
2/4/1976	Pettisville, OH	Penn Central	2	4	\$1,165,000
7/13/1976	New Canaan, CT	Conrail	30	2	
6/12/1977	Baltimore, MD	Conrail	4	0	\$300,000
6/9/1978	Seabrook, MD	Conrail/Amtrak	176	0	\$248,050

¹ Property damage estimates are provided, if available.

Date of Accident	Location	Railroad(s)	Injuries	Fatalities	Property Damage
1/31/1979	Muncy, PA	Conrail	3	2	\$1,304,200
3/29/1979	Ramsey, WY	Union Pacific	3	2	\$1,121,000
4/20/1979	Edison, NJ	Amtrak	73	0	\$353,600
7/24/1979	Thousand Palms, CA	Southern Pacific	4	1	\$1,479,700
10/1/1979	Royersford, PA	Conrail	0	2	\$562,000
10/12/1979	Harvey, IL	Amtrak/Illinois Central Gulf	44	2	
10/16/1979	Philadelphia, PA	Conrail	524	1	\$1,940,312
2/12/1980	Orleans Road, WV	Baltimore & Ohio	5	1	\$1,688,200
4/2/1980	Lakeview, NC	Amtrak/Seaboard Coast Line	123	0	\$1,145,492
7/17/1980	North Wales, PA	SEPTA/Conrail	67	0	\$1,475,000
9/6/1980	Welch, WV	Norfolk & Western	0	3	\$1,446,553
10/16/1980	Hermosa, WY	Union Pacific	2	2	\$993,000
11/7/1980	Dobbs Ferry, NY	Amtrak/Conrail	84	0	\$915,000
2/9/1981	Germantown, MD	Baltimore & Ohio	4	0	\$701,000
8/11/1981	Beverly, MA	Boston & Maine/MBTA	32	4	\$1,683,200
11/28/1981	Crewe, VA	Norfolk & Western	2	0	\$690,305
12/28/1981	New Johnsonville, TN	Louisville & Nashville	1	2	\$998,313
3/29/1982	Bristol, PA	Amtrak	32	0	\$832,000
10/3/1982	Possum Grape, AR	Missouri Pacific	1	2	\$1,047,000
9/14/1983	Sullivan, IN	Seaboard System	3	2	
2/26/1984	Saltsburg, PA	Conrail	3	0	\$784,719
4/13/1984	Wiggins, CO	Burlington Northern	2	5	\$3,891,428
4/22/1984	Newcastle, WY	Burlington Northern/ Atchison, Topeka & Santa Fe	2	2	\$1,358,993
6/14/1984	Motley, MN	Burlington Northern	4	3	\$3,931,146
7/23/1984	Queens, NY	Amtrak	140	1	\$3,199,000
1/21/1985	Gary, IN	Chicago, South Shore & South Bend	87	0	\$2,433,000
2/25/1985	Robbins, SC	Seaboard System	3	0	\$66,455

Date of Accident	Location	Railroad(s)	Injuries	Fatalities	Property Damage
8/2/1985	Westminster, CO	Burlington Northern	0	5	\$4,000,000
5/7/1986	Brighton, MA	Boston & Maine/Conrail	153	0	\$102,210
7/10/1986	North Platte, NE	Union Pacific	3	1	
10/9/1986	Fall River, WI	Amtrak	30	1	
1/4/1987	Chase, MD	Amtrak/Conrail	174	16	
2/6/1987	East Concord, NY	CSX	7	2	\$2,009,950
6/15/1987	Yuma, AZ	Southern Pacific	0	1	
10/12/1987	Russell, Iowa	Amtrak	122	0	
1/14/1988	Thompsontown, PA	Conrail	2	4	\$6,015,000
1/29/1988	Chester, PA	Amtrak	24	0	\$3,397,000
7/30/1988	Altoona, Iowa	Iowa Interstate	2	2	\$1,000,000
8/9/1990	Sugar Valley, GA	Norfolk Southern	3	3	\$1,269,000
11/7/1990	Corona, CA	Atchison, Topeka & Santa Fe	2	4	\$4,400,000
12/12/1990	Boston, MA	Amtrak/MBTA	453	0	\$12,500,000
8/30/1991	Ledger, MT	Burlington Northern	4	3	\$19,000,000
9/17/1991	Knox, IN	Norfolk Southern	5	1	\$3,500,000
1/18/1993	Gary, IN	Northern Indiana Commuter Transportation District	95	7	\$854,000
11/11/1993	Kelso, WA	Burlington Northern/Union Pacific	0	5	\$4,605,000
6/8/1994	Thedford, NE	Burlington Northern	2	2	\$2,500,000
2/9/1996	Secaucus, NJ	New Jersey Transit	69	3	\$3,329,000
2/16/1996	Silver Spring, MD	MARC/Amtrak	26	11	\$7,500,000
5/12/1996	Pleasant Hill, IL	Gateway Western	2	0	\$1,261,850
8/20/1996	Smithfield, WV	CSX	2	2	\$3,848,914
8/30/1996	Beaumont, CA	Southern Pacific	0	0	\$176,000
2/21/1997	Odem, TX	Union Pacific	2	0	\$31,000
5/14/1997	Branson, MO	Missouri & Northern Arkansas/Branson Scenic RR	2	0	\$410,625

Date of Accident	Location	Railroad(s)	Injuries	Fatalities	Property Damage
6/22/1997	Devine, TX	Union Pacific	2	4	\$6,015,000
7/2/1997	Delia, KS	Union Pacific	1	1	\$5,141,000
9/29/1997	Hummelstown, PA	Conrail	0	1	\$571,700
3/25/1998	Butler, IN	Norfolk Southern/Conrail	2	1	\$616,200
7/16/1998	Geneseo, KS	Central Kansas Railway	0	0	\$842,028
1/17/1999	Bryan, OH	Conrail	0	2	\$5,300,000
3/23/1999	Momence, IL	Conrail/Union Pacific	4	0	\$1,791,000
2/5/2001	Syracuse, NY	Amtrak/CSX	62	0	\$280,600
11/15/2001	Clarkston, MI	Canadian National	2	2	\$1,400,000
12/13/2001	Pacific, MO	Union Pacific	4	0	\$10,000,000
4/23/2002	Placentia, CA	BNSF/Metrolink	162	2	\$4,600,000
5/28/2002	Clarendon, TX	BNSF	3	1	\$8,000,000
6/12/2002	Aurora, IL	Metra	47	0	\$292,000
6/17/2002	Baltimore, MD	Amtrak/MARC	6	0	\$740,000
10/21/2002	Des Plaines, IL	Union Pacific	2	0	\$1,020,000
2/13/2003	Scotts Bluff, NE	BNSF	2	1	\$2,400,000
10/12/2003	Chicago, IL	Metra	47	0	\$5,000,000
11/15/2003	Kelso, WA	BNSF/Union Pacific	2	0	\$2,700,000
2/21/2004	Carrizozo, NM	Union Pacific	0	2	\$1,964,543
5/19/2004	Gunter, TX	BNSF	1	4	\$2,000,000
6/28/2004	Macdona, TX	Union Pacific	41	3	\$5,700,000 ²
1/6/2005	Graniteville, SC	Norfolk Southern	556	9	\$6,900,000
7/10/2005	Anding, MS	Canadian National	0	4	\$9,500,000 ³
9/15/2005	Shepherd, TX	Union Pacific	2	1	\$1,514,000
9/17/2005	Chicago, IL	Metra	117	2	\$6,350,000
10/15/2005	Texarkana, AR	Union Pacific	0	1	\$2,400,000

² Does not include an additional \$150,000 in environmental damage.

³ Does not include an additional \$616,800 in environmental damage.

Date of Accident	Location	Railroad(s)	Injuries	Fatalities	Property Damage
1/18/2006	Lincoln, AL	Norfolk Southern	3	0	\$5,200,000
7/1/2006	Abington, PA	SEPTA	38	0	\$179,700
1/9/2007	Woburn, MA	MBTA	12	2	\$560,841
11/10/2007	Bertram, CA	Union Pacific	0	2	\$2,000,000
11/30/2007	Chicago, IL	Norfolk Southern/Amtrak	71	0	\$1,299,000
9/12/2008	Chatsworth, CA	Metrolink/Union Pacific	102	25	\$12,000,000
11/20/2008	Rialto, CA	Metrolink/BNSF	4	0	\$25,000
5/8/2009	Boston, MA	MBTA	68	0	\$9,600,000
7/14/2009	Bettendorf, IA	DM&E	0	2	\$1,500,000
9/30/2010	Two Harbors, MN	Canadian National	5	0	\$8,100,000
4/17/2011	Red Oak, IA	BNSF	0	2	\$8,700,000
5/8/2011	Hoboken, NJ	PATH	32	0	\$352,617
5/24/2011	Mineral Springs, NC	CSX	2	2	\$1,600,000
1/6/2012	Westville, IN	CSX	2	0	\$5,000,000
6/24/2012	Goodwell, OK	Union Pacific	1	3	\$14,800,000

